

State of Colorado
Final Rules and Operating Procedures for the
Colorado Search and Rescue Fund

Statement of Basis and Statutory Authority

These rules and operating procedures implement the Colorado Search and Rescue Fund pursuant to Section 33-1-112.5, CRS. This fund was created by the Colorado State Legislature for the purpose of reimbursing local governments for the cost of search and rescue operations and to provide a means for funding the training and equipment needs of search and rescue teams. Revenues for the fund are derived from: a surcharge of twenty-five cents assessed on each hunting and fishing license sold by the Division of Wildlife; a surcharge of twenty-five cents assessed on each vessel, snowmobile and off-highway vehicle registered with the Division of Parks and Outdoor Recreation and one dollar derived from the sale of the Colorado Outdoor Recreation Search and Rescue Card, which is made available by the Department of Local Affairs for purchase by backpackers, hikers, mountain and trail bikers, cross country skiers, and other persons who use the Colorado back country for recreation.

Purpose of Rules

These rules are a result of amendments to 33-1-112.5, CRS, which went into effect on July 1, 2001. The primary changes to the legislation involved development of the Colorado Outdoor Recreation Search and Rescue Card, CORSAR. In addition, language that referenced limiting the reimbursement of expenses related to motor vehicles designed primarily for travel on the public highways was removed from the statute.

During October of 2001, the Colorado Department of Local Affairs, DOLA, in conjunction with the Colorado Search and Rescue Fund Advisory Council, made up of representatives from: County Sheriffs, the Colorado Search and Rescue Board, the Colorado Division of Wildlife, the Colorado Division of Outdoor Parks and Recreation, a sportsman representative, a snowmobile enthusiast representative, and a representative of outdoor recreation groups, held four public meetings to solicit input on potential rules changes. In addition, interested parties received a copy of the proposed rules. Finally, a formal public hearing on the rules was held on March 7, 2002. Eight primary issues were identified from input at those meetings:

- **Use of Helicopter Resources for SAR:** Generally, there was a consensus regarding reimbursement of private helicopter services when they are used as rescue vehicles. However, there was a range of opinion regarding the use of medical helicopters. It was determined that the existing protocol for reimbursing air-life is working well. This issue was addressed at 3.e-g in the new rules.
- **Body Recovery:** Two elements regarding this issue were articulated at the meetings. First, that the cost of body recovery should always be allowed for an on-going mission and the fund should not limit payment upon determination of the victim's death. Second, that year-end funding of dive rescue equipment and training is important to building local capacity for water recovery and should be an eligible grant item. This issue was addressed at 3.d in the new rules.
- **Billing for Search and Rescue Response:** Two positions were strongly articulated regarding this issue. One position states that it is an outrage to consider billing. An attempt at billing will prevent victims from notifying authorities in a timely manner. Another position states that, under the right circumstances, it is appropriate to bill for SAR response. Such cases include persons engaged in illegal activities. A middle position holds that in some circumstances especially where the victim was an unlicensed person, donations should be aggressively sought in order to validate the benefit of being vested in the fund. This issue was addressed at 3.h. and 5.c.vii in the new rules.
- **Colorado Outdoor Recreation Search and Rescue Card:** Comments regarding the new CORSAR program were overwhelmingly positive. Suggestions included:
 - Develop promotional campaign
 - Provide incentive for card purchase
 - Promote purchase as a contribution to SAR efforts within the state
 - Add info on CORSAR card regarding what is covered and what is not covered
- **SAR Fund as Insurance:** Discussion regarding this item stressed a need to continue the message that this fund is not insurance. This issue was addressed at 3.e and 3.g in the new rules.
- **Certification of Mission Eligibility:** Discussion regarding this item stressed the need to insure that the County Sheriff certifies each SAR mission considered for reimbursement. There was agreement that, under certain limited circumstances, the fund could pay a medical helicopter service directly, providing the County Sheriff has certified the mission. This issue was addressed at 2.f-h. and 4.a.i-ii in the new rules.

- **Year End Funding**: There was a general consensus that reimbursement for training and equipment is a very important component of this fund. The position was articulated that readiness is the most expensive element of SAR response and that the current grants program is working well. Some expressed concern that the new provision regarding reimbursement on missions for unlicensed persons will draw down on funds available for year-end grants. This issue was addressed at 4.d.vi in the new rules.
- **SAR Fund Administration Input**: Generally, input by a broad range of interests was deemed important to the continued effectiveness of this fund. This view states that all positions should be considered and respected. Some of the groups not currently involved with the fund that may be solicited for input include: medical helicopter services, vendors and County Commissioners. Comment at the official public hearing requested that the rules retain specific mention of members of the Colorado Search and Rescue Board (CSRB) and that CSRB have a minimum of two members on the SAR Advisory Council. This issue was addressed at 6 in the new rules.

Amendments to the rules were made in response to statutory changes and based on public input. These rules provide guidance for local governments in obtaining reimbursement for direct mission costs and for SAR related equipment and training.

The rules contain six primary components: Definitions, Limitation on Payment of Claims, Mission Reimbursement Procedures, Year End Awards, SAR Advisory Council, and Colorado Outdoor Recreation Search and Rescue (CORSAR) Card. Public input on management of the program is addressed in these six areas. No written alternatives were submitted or identified that could meet the needs of all stakeholder groups.

The Definitions element clarifies eligibility of missions and costs.

Limitation on Payment of Claims prevents duplicate payment for mission costs, requires river outfitter liability pursuant to Section 33-32-108(2), CRS. This element also prohibits reimbursement for recovery of property, restricts reimbursement on body recovery operations, prohibits payment when an insurance policy exists that will cover costs incurred, and prohibits payment to victims. Finally, this element prohibits reimbursement on missions where the victim was engaged in illegal activities.

The Mission Reimbursement provisions of these rules provide for payment in a three-tiered system as required by statute. The first tier provides for the reimbursement process on license holders, the second tier provides for reimbursement on relatives of license holders and the third tier provides for reimbursement on unlicensed persons.

Application for year-end equipment and training funds is outlined in these rules. This element provides criteria for prioritizing awards, and specifies that county sheriffs must certify the application on forms provided by the Department of Local Affairs.

The SAR Advisory Council component specifies the make-up of the council advising the Department of Local Affairs in administration of the fund. It establishes the appointment authority and provides for terms of council members.

The final component, Colorado Outdoor Recreation Search and Rescue Card, provides for establishment of vendors, term of the card, cost of the card, and reporting requirements for vendors.

Search and Rescue Rules - 8 CCR 1307-1, Article XI is repealed in its entirety and replaced as follows:

SEARCH AND RESCUE FUND
Rules and Operating Procedures

1. THE SEARCH AND RESCUE (SAR) FUND SHALL BE ADMINISTERED BY THE DEPARTMENT OF LOCAL AFFAIRS (DOLA) PURSUANT TO THE PROVISIONS OF SECTION 33-1-112.5. C.R.S., AND IN ACCORDANCE WITH THESE RULES AND FOLLOWING GUIDELINES RECOMMENDED BY THE SAR ADVISORY COUNCIL AND APPROVED BY THE EXECUTIVE DIRECTOR.
2. DEFINITIONS
 - a. Actual Operational Expenses: Are those reasonable costs incidental to SAR activities including, but not necessarily limited to: fuel, operating costs, repair and rental, of motor vehicles, fixed-wing aircraft, helicopters, snowmobiles, boats, horses, generators and any other equipment necessary or appropriate for conducting SAR activities; reimbursement of mileage at the appropriate state rate; meals and room rental for personnel and any other similar expenses. Operational expenses do not include any salary, overtime or stipend paid to any person permanently employed by a SAR agency or political subdivision of the state. Operational expenses do not include indirect operating expenses, such as stand-by costs, of vehicles and equipment owned by a unit of local government.
 - b. Colorado Outdoor Recreation Search and Rescue (CORSAR) Card: A card authorized by CRS 33-1-112.5(1)(c) and issued by the Colorado Department of Local Affairs or one of its licensed vendors.
 - c. Designated Vendor: Official vendor designated by the Colorado Department of Local Affairs to sell Colorado Outdoor Recreation Search and Rescue (CORSAR) Cards.
 - d. Eligible agency: Is a public or private entity or volunteer association providing specialized search and rescue services and resources authorized by a county sheriff or political subdivision.
 - e. Eligible person: Is a person in possession of: a current and valid Colorado Division of Wildlife (CDOW) hunting or fishing license; a current and valid CDOW hiking certificate; a vessel, snowmobile or off-highway vehicle currently registered through the Division of Parks and Outdoor Recreation (DPOR) or a current and valid Colorado Outdoor Recreation Search and Rescue Card. As used herein, "hunting or fishing license" includes all those licenses listed in subsections 33-4-102(1) through 33-4-102(1.5), C.R.S. as may be amended. Vessel, snowmobile, and off-highway vehicle registrations include all those listed in Section 33-12-102(1.2)(e), (1.2)(h), (1.2)(i), (1.2)(l), (1.3)(a), (1.3)(d), and (1.3)(e) as may be amended.

- f. Eligible Search and Rescue Mission: Mobilization of persons or agencies with specialized search and rescue skills authorized by a County Sheriff's Office or statutorily designated search and rescue political subdivision of the State of Colorado for the purpose of locating or rescuing a person within the State of Colorado from an area beyond the boundaries of normally available emergency services.
- g. SAR Advisory Council: A volunteer council of individuals, appointed by the Executive Director of the DOLA, assisting the DOLA by making recommendations regarding allocation of monies from the SAR fund as set forth herein.
- h. Tier I Payment: Reimbursement for eligible, actual operational expenses of an eligible search and rescue mission for an eligible person as certified by the sheriff of the county in which the mission took place.
- i. Tier II Payment: Year-end reimbursement for eligible, actual operational expenses of an eligible search and rescue mission for parents, siblings, spouses, children, or grandchildren of an eligible person as certified by the sheriff of the county in which the mission took place.
- j. Tier III Payment: Year-end reimbursement for eligible, actual operational expenses of a search and rescue mission for a person not otherwise considered eligible as defined herein, as certified by the sheriff of the county in which the mission took place.
- k. Year-end Award: Year-end payment for approved search and rescue related training and equipment paid to eligible SAR agencies and political subdivisions.

3. LIMITATION OF PAYMENT OF CLAIMS.

- a. The Colorado Search and Rescue Fund will make no payment for SAR expenses already paid or reimbursed by another source such as victims, private insurance, or donations made for the purpose of paying for a specific search. Donations of a general nature, not covering expenses of a specific search, shall be excluded from this limitation. Should an authorized SAR agency receive payment from another source after having received payment from the Colorado Search and Rescue Fund for the same SAR mission, that agency shall reimburse the Colorado Search and Rescue Fund an amount equal to the amount of payment received from the other source.
- b. No claims shall be paid for SAR activities for which a river outfitter is liable pursuant to the provisions of section 33-32-108(2), C.R.S., unless such liability has been lawfully discharged.
- c. Searches for or recovery of property are not eligible missions.
- d. Reimbursement for recovery of bodies is limited to one of the following circumstances:

- i. The recovery is incidental to missions begun in earnest to rescue live persons where recovery of such deceased person(s) is necessary and appropriate to avoid delays, higher costs, or additional exposure to persons involved in such recovery to increased risks to life and limb (e.g. deteriorating weather conditions) and which may be accomplished at "de minimus" additional cost.
 - ii. The recovery is for the victim of an accident and the mission meets all other definitions of a mission as defined in section 2.f.
- e. The Colorado Search and Rescue Fund shall not make payment when an insurance policy exists that will cover costs incurred.
- f. The Colorado Search and Rescue Fund shall not make payment to victims, individuals, or eligible persons. Payments are solely made to reimburse SAR agencies or political subdivisions for costs incurred by those agencies or subdivisions in performing search and rescue missions.
 - i. Costs may include those for contracted resources or expenses incurred and claimed by volunteers.
- g. The Colorado Search and Rescue Fund is not an insurance fund for eligible persons. It does not pay victims. It does not cover medical expenses or medical transport fees.
 - i. The use of an air ambulance as a search and rescue mission resource is not considered medical transport. All or portions of air ambulance bills considered elements of an "eligible search and rescue mission" as defined herein, are eligible for payment by the Colorado Search and Rescue Fund.
- h. The Colorado Search and Rescue Fund will not make payment for the search, rescue, or recovery of persons engaged in illegal activities or persons eluding law enforcement authorities.

4. MISSION REIMBURSEMENT PROCEDURES:

- a. For all claims:
 - i. All claims from eligible agencies and political subdivisions having incurred reimbursable costs in a search and rescue mission within the State of Colorado must be filed with the sheriff in the county where the search and rescue activities occurred.
 - ii. The sheriff shall be responsible for certifying and submitting the claim to the department on forms provided by the department and for the proper distribution of Colorado SAR Fund money to all agencies and political subdivisions entitled to reimbursement.
 - iii. All such claims must be certified and submitted to the department within 60 days of the completion of the search and rescue operation.

1. The 60-day filing requirement may be waived for good cause shown. Failure to submit a certified claim within 60 days of the completion of the search and rescue operation (a) because of failure of the department personnel to supply claim forms in a timely manner, or (b) because of other reasons not due to the claimant's lack of diligence shall be considered "good cause."
 2. Claims received after May 31st of any year will be processed in the following fiscal year and are subject to the tier distribution and funding levels of that fiscal year.
 3. As soon as practical after submission, the department shall consider each claim. The department shall review each claim to determine if the actual operating costs claimed are reimbursable pursuant to statute and procedures. In no event shall any payment be made that is not authorized by statute.
- b. For Tier I payment claims:
- i. Upon receipt of a Tier I search and rescue mission payment request, the department shall determine if all expenditures claimed are reimbursable. If the department determines all expenditures claimed are reimbursable, it shall submit a request to the DOLA Accounting Office for issuance of a state warrant for their payment.
 - ii. If the department determines all or part of a claim is not authorized under applicable law, it shall enter into discussions with the submitting sheriff to attempt to reach agreement on what portion, if any, of the claim is authorized. The department may request additional information from the submitting sheriff or any other person that may have relevant facts or legal authority. If agreement is reached, the department shall submit a request to the DOLA Accounting Office for issuance of a state warrant for their payment. If the department and the submitting sheriff do not reach agreement, the submitting sheriff may, within 60 days of original submission of the report, request in writing that the department submit the claim to the SAR Advisory Council for its review and recommendations.
 - iii. Upon receipt of a claim submitted by the department, the SAR Advisory Council shall review the claim together with any written submittals from the department and sheriff. The council may request additional information from the department, the submitting sheriff, or any other person that may have relevant facts or legal authority.

- iv. The council shall submit its recommendations as to what portions of the claim are allowable, under applicable statutes and procedures, to the department. Upon receipt of the council's recommendations, the Executive Director shall make a final determination, taking into account the SAR Advisory Council's recommendations. If payment is approved by the Executive Director, the department shall submit a request to the DOLA Accounting Office for issuance of a state warrant for payment of the approved amount.
- c. For Tier II, payment claims:
 - i. Upon receipt of a Tier II search and rescue mission payment request, the department shall determine if all expenditures claimed are reimbursable. It shall accept the mission reimbursement request, log the mission into its files and database and hold the request until the end of the program year for payment at that time if funds are available.
 - ii. If the department determines all or part of a claim is not authorized under applicable law, it shall enter into discussions with the submitting sheriff to attempt to reach agreement on what portion, if any, of the claim is authorized. The department may request additional information from the submitting sheriff or any other person that may have relevant facts or legal authority. If agreement is reached, the department shall hold the request until the end of the program year for payment at that time if funds are available.
 - iii. If the department and the submitting sheriff do not reach agreement, the submitting sheriff may, within 60 days of original submission of the report, request in writing that the department submit the claim to the SAR Advisory Council for its review and recommendations.
 - iv. Upon receipt of a claim submitted by the department, the SAR Advisory Council shall review the claim together with any written submittals from the department and sheriff. The council may request additional information from the department, the submitting sheriff, or any other person that may have relevant facts or legal authority.
 - v. The council shall submit its recommendations as to what portions of the claim are allowable, under applicable statutes and procedures, to the Department. Upon receipt of the council's recommendations, the Executive Director shall make a final determination, taking into account the SAR Advisory Council's recommendations. If funding is approved, the department shall hold the request until the end of the program year for payment at that time if funds are available.

- vi. If funds remain at the end of the year in those accounts budgeted and appropriated to the search and rescue fund after all Tier I payment claims have been satisfied, the department shall submit a request to the DOLA Accounting Office for issuance of a state warrant for the payment of all Tier II payment claims.
 - vii. Tier II payments for uncompensated searches and rescues of parents, siblings, spouses, children, or grandchildren of eligible persons will be paid on a prorated basis if requests exceed available funding.
- d. For Tier III payment claims:
- i. Upon receipt of a Tier III search and rescue mission payment request, the department shall determine if all expenditures claimed are reimbursable. It shall accept the mission reimbursement request, log the mission into its files and database and hold the request until the end of the program year.
 - ii. If the department determines all or part of a claim is not authorized under applicable law, it shall enter into discussions with the submitting sheriff to attempt to reach agreement on what portion, if any, of the claim is authorized. The department may request additional information from the submitting sheriff or any other person that may have relevant facts or legal authority. If agreement is reached, the department shall accept the mission reimbursement request, log the mission into its files and database and hold the request until the end of the program year.
 - iii. If the department and the submitting sheriff do not reach agreement, the submitting sheriff may, within 60 days of original submission of the report, request in writing that the department submit the claim to the SAR Advisory Council for its review and recommendations.
 - iv. Upon receipt of a claim submitted by the department, the SAR Advisory Council shall review the claim together with any written submittals from the department and sheriff. The council may request additional information from the department, the submitting sheriff, or any other person that may have relevant facts or legal authority.
 - v. The council shall submit its recommendations as to what portions of the claim are allowable, under applicable statutes and procedures, to the department. Upon receipt of the council's recommendations, the Executive Director shall make a final determination, taking into account the SAR Advisory Council's recommendations. If payment is approved, the department shall accept the mission reimbursement request, log the mission into its files and database and hold the request until the end of the program year.

- vi. Money remaining after payment of Tier II shall be divided between Tier III payments and year-end awards on an annual basis, at the discretion of the Director of the Department of Local Affairs, following recommendation of the Search and Rescue Advisory Council.
- vii. Upon determination of the amounts to be applied to approved Tier III search and rescue mission payment requests, the department shall submit a request to the DOLA Accounting Office for issuance of a state warrant for the payment of all Tier III payment claims.
- viii. Tier III payment for other uncompensated searches and rescues will be paid on a prorated basis if requests exceed available funding.

5. YEAR END AWARDS

- a. At the close of the fiscal year, if funding is available following payment of all approved Tier I and Tier II mission reimbursement claims and all fund administrative costs, DOLA may make awards to political subdivisions or eligible search and rescue agencies for search and rescue related training and equipment.
- b. Application for year-end awards of search and rescue related training and equipment must be certified by the sheriff of the submitting county and submitted to the department on forms provided by the department no later than April 1 to be considered for funding from monies available at the end of the state fiscal year.
- c. Year-end awards for search and rescue related training and equipment shall be paid on a priority basis as determined by the Executive Director of the Department of Local Affairs following recommendation by the SAR Advisory Council, which may consider the following criteria in establishing this priority.
 - i. Appropriateness of the training and equipment requested for realistically anticipated search and rescue needs.
 - ii. Ability to use and maintain equipment.
 - iii. Probable mission load taking into consideration historical need.
 - iv. Availability of alternate financial resources for SAR training and equipment.
 - v. Adequacy of available existing equipment.
 - vi. Adequacy of existing level of search and rescue performance proficiency.
 - vii. Extent of efforts by the requesting agency to collect mission costs from available sources, e.g. private insurance, donations, contributors, etc.
 - viii. Extent of efforts by the Board of County Commissioners to establish by ordinance and regulation fees for users in order to offset the costs of search and rescue operations pursuant to CRS 30-15-401.
- d. Payments for year-end training and equipment awards may be paid on a prorated basis if requests exceed available funding.

6. SAR ADVISORY COUNCIL

- a. The Director of the Department of Local Affairs shall appoint an advisory council comprised of individuals knowledgeable and interested in search and rescue in the State of Colorado. In order to obtain broad and balanced representation, the director may request nominations from search and rescue teams, county sheriffs, county commissioners, CORSAR Card vendors, the Colorado Division of Wildlife, the Colorado Division of Parks and Recreation, hunters, fishermen, wildlife advocates, off-highway vehicle users, boaters, snowmobilers, the Colorado Search and Rescue Board, backpackers, hikers, mountain bike riders, equestrians, and cross-country skiers.
- b. The council will have a minimum of eleven members and a maximum of fifteen members.
- c. At all times, the council will have representation by a minimum of three county sheriffs and two members of the Colorado Search and Rescue Board, an association of search and rescue organizations in the state.
- d. Terms on the search and rescue advisory council shall be two years in duration. Members may be appointed to multiple terms at the discretion of the Executive Director of the Department of Local Affairs.
- e. The SAR Advisory Council will meet annually to consider year-end award requests and may meet at other times as needed.

7. COLORADO OUTDOOR RECREATION SEARCH AND RESCUE (CORSAR) CARD

- a. The CORSAR Card program is initiated pursuant to CRS 33-1-112.5(c) to provide a voluntary means for hikers, mountain bikers, cross-country skiers, or other users of Colorado's backcountry recreational areas to participate in the Colorado Search and Rescue Fund and assist in funding search and rescue mission expenses and the training and equipment needs of Colorado's search and rescue teams.
- b. CORSAR Cards shall be made available by the Department of Local Affairs, or its designated vendors, for sale to the general public.
 - i. CORSAR Cards shall be designed and printed by the Department of Local Affairs and provided to licensed vendors at no initial cost.
 - ii. Cards may only be issued to individuals.
 - iii. Cards shall contain the name, address, telephone number, and date of birth of the purchaser.
 - iv. Cards shall be valid for one year or five years from the date of purchase. One year cards shall be sold for \$3.00 and five year cards shall be sold for \$12.00.

- c. Any individual person, agency, corporation, club, or organization may apply to become designated to sell CORSAR Cards.
 - i. Individuals or organizations desiring to become designated vendors shall apply to the Colorado Department of Local Affairs on forms designated by the department.
 - ii. Designated vendors shall be responsible for all CORSAR Cards issued to them and shall remit two dollars (\$2.00) for every one year card and nine dollars (\$9.00) for every five year card sold to the Colorado Department of Local Affairs. Sales revenues from the sale of CORSAR Cards shall be deposited into the Colorado Search and Rescue Fund and used for SAR Fund activities as allowed by Colorado law.
 - iii. One dollar (\$1.00) from each one year CORSAR card and three dollars (\$3.00) from each five year CORSAR card sold may be retained by the vendor as the vendor fee.
 - iv. Vendors shall report and remit payments minimally every quarter. The department reserves the right to revoke vendor licenses for any good cause including, but not limited to, conduct damaging to the search and rescue fund, failure to account for cards issued, failure to remit payment or return un-sold cards, or failure to report in a timely fashion.